

### REMARKS

In view of the foregoing amendments and the following representations, reconsideration and allowance of the above-identified application is respectfully requested.

All the claims as originally filed, claims 1-5, have been canceled without prejudice. Claims 6-16 are submitted for consideration in the present application.

In the Office Action on page 2, second paragraph, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

In the Office Action on page 2, fourth paragraph, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In view of the rejections, Applicants have cancelled claims 1-5 without prejudice and submit new claims 6-16. New claims 6-16 do not add any new matter to the application. Support can be found on page 3, line 21 to page 4, line 8, page 6, line 3 to page 8, line 3 and Figures 1-11. Applicants also respectfully submit that the specification describes to one of ordinary skill in the art how to make and use the present invention. More specifically, page 3, line 21 to page 4, line 8 clearly describes the invention as a catheter for inserting a prosthesis into an area such as an artery. This portion of the specification also clearly states that the new and nonobvious aspect of the invention is that

the prosthesis is removed from the catheter by pulling the distal end of the prosthesis from the catheter rather than pushing the proximal end of the prosthesis from the catheter. The pulling is accomplished by retractable wires that extend through the lumen of the prosthesis and engage the distal end of the prosthesis.

The structure of the catheter is described in more detail on page 6, line 3 to page 8 line 3. This section of the specification indicates that an embodiment of the invention comprises a central core shaft that has a nose cone at one end and a spacing tube and handle at the other end. The central core or shaft is surrounded by another tube which can have a single lumen (see the embodiment described in Figures 10 and 11) or multiple lumens that surround the core shaft and the retractable dragging wires. The tube, core shaft and dragging wires extend through the lumen of the prosthesis that in turn is surrounded by a moveable sheath.

In operation that nose cone is inserted into an artery that needs to be repaired. When the nose cone is in the approximate location the sheath with the prosthesis in it is moved down the core shaft and/or dragging wires unit it reaches the desired location. The sheath is then withdrawn and the prosthesis remains in the desired location because the dragging wires which are engaged with the distal end of the prosthesis pull and/or hold the prosthesis in the desired location. After the sheath has been withdrawn, the prosthesis can be moved or adjusted in the artery if necessary due to the presence of the dragging wires. Once the prosthesis is in the exact location, the trigger is activated, i.e. removed from the catheter, thereby retracting the dragging wires followed by removal of the nose cone while leaving the prosthesis in the desired location.

In view of the foregoing, it is respectfully requested that the rejections under 35 U.S.C. § 112 be reconsidered and withdrawn.

In the Office Action on page 3, second paragraph, the Examiner rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Garza, et al., United States Patent No. 4,665,918 in view of Kartoska et al., United States Patent No. 6,183,443.

As mentioned above, claims 1-5 were canceled without prejudice thereby rendering this rejection moot.

Applicants respectfully submit that newly presented claims 6-16 are patentable over Garza and Kartoska references either alone or combined because neither of these references disclose or suggest a catheter that pulls a prosthesis from the catheter as recited in the newly present claims.

The Garza reference discloses a system and method for implanting a prosthesis into a blood vessel. The method and apparatus employ a guide wire that is inserted into the blood vessel and used to guide a sheath containing the prosthesis to the desired location. Once in the desired location, the prosthesis is pushed from the sheath and the sheath and guide wires are withdrawn. Col. 4, line 58 to Col. 5, line 56. There is no reference or suggestion in the Garza reference to use the guide wire to pull the prosthesis from the sheath as required by the newly presented claims.

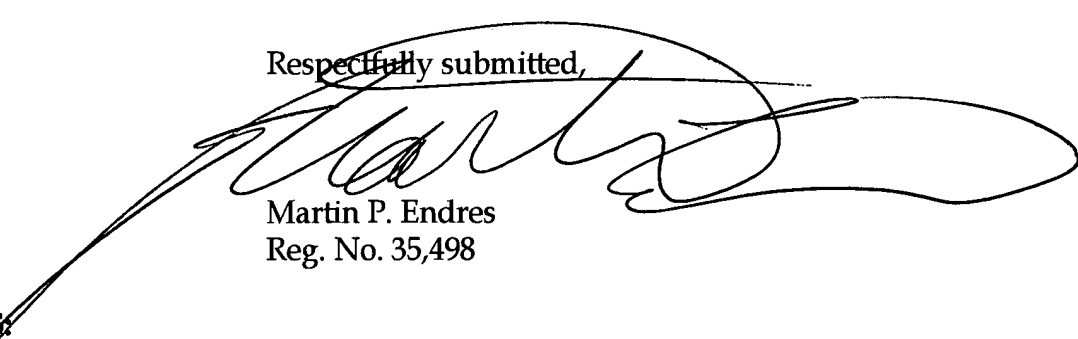
The Kratoska reference discloses a device and method for introducing intravascular catheters to a patient. The disclosed device consists of an elongated flexible tube that can be inserted into a vessel whereupon a larger diameter sheath is introduced into the elongated flexible tube causing the elongated flexible tube to expand. Col. 5, lines

5-20. As mentioned by the Examiner in the Office Action, the Kratoska reference does disclose the use of a "rib" or wire. See Col. 24 , line 9 and Col. 25, lines 56-60. This rib or wire is not used to pull a prosthesis from a sheath, but rather to provide strength to the elongated flexible tube.

Because neither the Garza or Kratoska references disclose or suggest a catheter that employs wires to pull a prosthesis from the catheter as required by the newly presented claims, it is respectfully submitted that the newly presented claims are patentable over the references of record. Reconsideration of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Based upon the foregoing amendments and representations, Applicants respectfully submit that claims 6-16 contain allowable subject matter and that the rejection of the claims in the above-identified application have been overcome and should be withdrawn. Early and favorable action is earnestly solicited.

Respectfully submitted,

  
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